REMARKS

Applicant claims foreign priority from Japan application HEI 11-322736. A certified copy of the priority document was submitted together with the filing of this application.

It is respectfully requested that priority and receipt of the priority documents be acknowledged.

Claims 1-24 are pending in the application.

Claims 8, 9, 11, 18 and 22-24 would be allowable if rewritten in independent form.

Claims 7, 10, 16, 17 and 19-21 would be allowed if the rejection under 112 is overcome and if rewritten in independent form.

Claims 1-7, 10, 12-17 and 19-21 stand rejected.

The Abstract is objected to as being indefinite. The original Abstract is deleted and a substitute is submitted herewith. No new matter is entered.

Claims

Claim 6 has been objected to for a typographical error. This has been corrected herein.

Claims 7-9, 11, 19, 22 and 24 have been amended to independent form.

The independent claims 1-6 and 12-15 have been amended to clarify the claimed invention. The amendment clarifies that the management section of the network manager includes a function object group which controls QoS policy provisioning and an information object group which manages network information of each of the subnetworks, for managing various QoS capabilities of the whole communication network.

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Theses features (the function object group and the information object group) are based upon applicant's specification, for example the description on page 15, lines 13 through 19 and Fig. 2. The features are also detailed on pages 15 through 16 of applicant's specification.

Claims 1-6 and 12-15 include similar features. For example claim 15 includes managing means including performing a control of QoS policy provisioning over the communication network and managing network information of each of the plural subnetworks, and for concentratedly managing various QoS (Quality of Service) capabilities of the network.

Claims 7, 10, 16, 17 and 19-22 are rejected under 35 U.S.C. §112, second paragraph. In view of the claim clarifications made herein, it is respectfully requested this rejection be withdrawn.

It is submitted claims 7-9, 11, and 16-24 are in condition for allowance, which action is respectfully requested.

Claims 1-6 and 12-15 are rejected under 35 U.S.C. §102(b) as being anticipated by Mitra et al., U.S. Patent No. 6,331,986 (Mitra).

Mitra teaches a method for routing in multi-service virtual private networks wherein for each source-destination pair communicating via a certain subnetwork and given class of service a traffic rate is determined and offered to a plurality of permissible routes between the source and the destination in that subnetwork and service class.

Mitra discloses a centralized network management 128 accommodating element managers 124 (Fig. 8). The Office Action referred specifically to column 10, lines 13-17 and 17-24.

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PAGE 23/25 * RCVD AT 12/23/2004 4:14:03 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:+2129408986 * DURATION (mm-ss):08-36

However Mitra only discloses that the element manager and the centralized network management platform as the Management Information Base (MIB). Mitra states that the element managers monitor the traffic and in combination with the router select routes. Mitra only states the MIB and element managers store "relevant data."

The element managers and central MIB communicate by SNMP (Simple Network Management Protocol). For example the element managers transmitting information concerning themselves to the central MIB. The element managers and route controllelrs themselves perform the computations and route selections.

However Mitra does not describe the central MIB controlling QoS policy provisioning over the communication network.

In contrast applicant's claimed invention describes a technology in which the network manager creates a QoS capability management view based on QoS capability management information collected from different subnetworks, to select a subnetwork which guarantees the Qos capability requested end to end.

Therefore applicant's claimed invention of claim 1 includes the network manager having "a function object group which performs a control of QoS policy provisioning over the communication network and an information object group which manages network information of each of the plural subnetworks."

Thus, it is respectfully submitted that Mitra does not indicate or suggest at least the above claimed feature, and the subject matter of applicant's claim 1. Likewise the other claims 2-6 and 12-15 contain a similar feature of controlling the QoS policy provisioning over the communication network.

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In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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